

REMARKS

It is respectfully requested that Claims 27, 28, 30 to 35, 37, 50 and 51 as set forth in Appendix I of this paper be entered and considered. Relative to the previous version of the claims, Claims 27 and 33 have been amended as indicated in the listing of the claims.

More specifically, the wording of Claims 27 and 33 has been revised to more clearly bring out that the mutation which distinguishes the referenced monooxygenase from SEQ ID NO:2 consists of one or more of the functional mutations delineated in the whereby clause. No new matter has been added.

Entry and consideration of the enclosed is deemed to be equitable as the revised version of the claims does not necessitate further search or examination. Also, as more specifically addressed in the following, the revisions effected in Claims 27 and 33 clearly obviate all issues raised and/or maintained in the previous Office action. The revised version of the claims which is presented herewith, thus, places the application in good condition for allowance. Favorable action is respectfully solicited.

Claims 27, 28, 30 to 35, 37, 50 and 51 as previously presented stand rejected under the written description and enablement requirements of 35 U.S.C. §112, ¶1. In either context, the previous wording of Claims 27 and 33, i.e., “*the monooxygenase has a functional mutation which consists of a mutation in at least one of sequence positions 74, 87 and 188,*” was interpreted to allow for mutations in positions of the monooxygenase which differ from the recited positions. On the basis of this interpretation, the claims were deemed to refer to monooxygenases of unknown structure which lacked appropriate written description support and an enabling disclosure.

The claims in the wording as herewith presented cannot be taken to reference a monooxygenase which differs from SEQ ID NO:2 in a mutation beyond the specified functional mutation in one or more of the particular sequence positions. As such, the claims cannot be deemed to refer to monooxygenases of unknown structure. The amendment proposed by applicants, thus, clearly obviates the rejection of Claims 27, 28, 30 to 35, 37, 50 and 51 under the written description and enablement requirements of 35 U.S.C. §112, ¶1. It is therefore respectfully solicited that the revised version of Claims 27, 28, 30 to 35, 37, 50 and 51 be entered, and that the rejections under 35 U.S.C. §112, ¶1, be withdrawn.